

MICHAEL FISHER,
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:
Plaintiff(s), :
:
vs. : Case Number: 1:06cv559
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OHIO DEPARTMENT OF CORRECTIONS, : Chief Judge Susan J. Dlott
et. al., :
:
Defendant(s). :

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Hogan. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on March 17, 2009 a Report and Recommendation (Doc. 96). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 98) and defendants' filed a response to the objections (Doc. 99). The Court held a hearing on this matter on July 23, 2009.

Accordingly, defendants' Motion for Summary Judgment (Doc. 79) is **GRANTED**. Plaintiff's Amended Complaint is **DISMISSED** and this case is hereby **TERMINATED** from the docket.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that the reasons set forth for an appeal of this Order will not be taken in good faith. *See McGore v. Wigglesworth*, 114 F.3d 601 (6th Cir. 1997).

IT IS SO ORDERED.

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s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court